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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,446	02/23/2004	Aviv Eyal	FRIS.P728	8265
30554 7590 11/10/2009 MAHAMED PARADICE KREISMAN LLP 4880 STEVENS CREEK BOULEVARD SUITE 201 SAN JOSE, CA 95129-1034			EXAMINER LIM, KRISNA	
			ART UNIT 2453	PAPER NUMBER
			MAIL DATE 11/10/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/784,446

Applicant(s)

EYAL, AVIV

Examiner

Krisna Lim

Art Unit

2453

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-48 is/are pending in the application.
- 4a) Of the above claim(s) 40-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 40-48 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

1. Claims 40-48 are newly added for examination, and claims 1-39 were canceled.
2. Newly submitted claims 40-48 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Election/Restrictions

3. Restriction to one of the following inventions is required under 35 U.S.C. § 121:

- I. Claims 1, 5, 7 and 21-39, drawn to drawn to a media distribution and playback system comprising: one or more modules that provide a server-side subsystem, the one or more modules being configured to access information for locating at least portions of a plurality of media resources over the network; a terminal-side subsystem of the system that enables a user to specify a search module that signals a user-query that results in the one or more modules generating or identifying to a search result, wherein the search result, and in response to receiving the search result, identifies two or more media resources; wherein the terminal-side subsystem of the system includes a network browsing component and a media playback component, the media playback component being configured to playback a first media resource of the plurality of media resources, and to playback a second media resource of the plurality of media resources automatically and continuously after the first media resource, wherein the first and second media resources are identified in the search result and comprise a set of media resources that are played back, and wherein the media playback component is controllable with one or more commands from the service-side subsystem to cause playback of at least one of the first or second media resources; wherein the network browsing component is at least partially controlled by the one or more modules to display network content, classified in class 709, subclass 231.

II. Claims 40-48, drawn to a method implemented in an electronic system, comprising the steps of: a) generating, to a display device, a graphical user interface (GUI) including a text-entry field configured to enable a user to input a search term; b) in response to receiving at least a portion of a first search term input by the user to the field, displaying a second search term; and c) in response to at least one action performed by the user, generating, based on the second search term, a search over a network for content associated with the second search term, classified in class 715, subclass 700.

4. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed of Invention I, claims 1, 5, 7 and 21-39, does not require the particulars of the subcombination: a) generating, to a display device, a graphical user interface (GUI) including a text-entry field configured to enable a user to input a search term; b) in response to receiving at least a portion of a first search term input by the user to the field, displaying a second search term; and c) in response to at least one action performed by the user, generating, based on the second search term, a search over a network for content associated with the second search term. And, the subcombination Group 2 claims 40-48, does not require: one or more modules that provide a server-side subsystem, the one or more modules being configured to access information for locating at least portions of a plurality of media resources over the network; a terminal-side subsystem of the system that enables a user to specify a search module that signals a user-query that results in the one or more modules generating or identifying to a search result, wherein the search result, and in response to receiving the search result, identifies two or more media resources; wherein the terminal-side subsystem of the system includes a network browsing component and a media playback component, the media playback component

being configured to playback a first media resource of the plurality of media resources, and to playback a second media resource of the plurality of media resources automatically and continuously after the first media resource, wherein the first and second media resources are identified in the search result and comprise a set of media resources that are played back, and wherein the media playback component is controllable with one or more commands from the service-side subsystem to cause playback of at least one of the first or second media resources; wherein the network browsing component is at least partially controlled by the one or more modules to display network content.

5. Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed of Invention II, claims 40-48, does not require the particulars of the subcombination: one or more modules that provide a server-side subsystem, the one or more modules being configured to access information for locating at least portions of a plurality of media resources over the network; a terminal-side subsystem of the system that enables a user to specify a search module that signals a user-query that results in the one or more modules generating or identifying to a search result, wherein the search result, and in response to receiving the search result, identifies two or more media resources; wherein the terminal-side subsystem of the system includes a network browsing component and a media playback component, the media playback component being configured to playback a first media resource of the plurality of media resources, and to playback a second media resource of the plurality of media resources automatically and continuously after the first media resource, wherein the first and second media resources are identified in the search result and comprise a set of media resources that are played back, and wherein the media playback component is controllable with one or more commands from the service-side subsystem to cause playback of at least one of

the first or second media resources; wherein the network browsing component is at least partially controlled by the one or more modules to display network content. And, the subcombination Group I claims 1, 5, 7 and 21-39, does not require: a) generating, to a display device, a graphical user interface (GUI) including a text-entry field configured to enable a user to input a search term; b) in response to receiving at least a portion of a first search term input by the user to the field, displaying a second search term; and c) in response to at least one action performed by the user, generating, based on the second search term, a search over a network for content associated with the second search term.

6 For example, the searches for these two inventions would not be co-extensive because these groups would require different searches on PTO's classification class and subclass as following:

1) The Group I search (claims 1, 5, 7 and 21-39) would require use of search class 709, subclass 231 (which would not required for the group II).

2) The Group II search (claims 40-48) would require use of search class 715, subclass 700 (which would not require for the group I).

7. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by the original presentation for prosecution on the merits. Accordingly, claims 40-48 have been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

8. Claims 1-39 were canceled by the applicant. Since claims 1-39 have been constructively elected by the original presentation and they are not pending in the application and claims 40-48 have been withdrawn from consideration, there are no

claims to examine. **Thus, THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Friday from 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

November 07, 2009

/Krisna Lim/

Primary Examiner, Art Unit 2453